REMARKS

[01]   The Office Action of March 19, 2007 rejects all claims for anticipation by U.S. Patent No. 7,058,846 to Kelkar et al., "Kelkar" herein. These rejections are traversed since the Final Action does not establish that Kelkar discloses the claimed elements in the claimed combinations.

[02]   In a rejection for anticipation, the Examiner has the burden of establishing that the prior art teaches the invention as claimed. This involves more than finding elements in the prior art that correspond to claim elements. The prior-art elements must be combined in the manner claimed for the claim elements.

[03]   Claim 1: Snapshot in Volatile Memory

[04]   Claim 1 requires a snapshot stored in volatile memory. The Final Action of August 6, 2007 asserts that the claimed "volatile memory" reads on item 717 of Fig. 7. The Final Action also refers to Kelkar, column 3, lines 40-44, which include most of the following "snapshot" quote:

> These operations include storage management services that allow configuration changes to be made dynamically to storage resources. Examples of resource configuration changes include adding a new disk to a storage array, creating a snapshot of a storage area to back up data at given point in time, and so on. *(Kelkar, column 3, lines 39-44)*

[05]   While this passage mentions a "snapshot", it does not teach that the snapshot is stored in item 717 of Kelkar, Fig. 7. The Final Action does not establish that Kelkar's snapshot is stored in Kelkar's volatile memory.

Accordingly, Kelkar does not teach the Claim 1 limitation of a "snapshot being stored in volatile memory". Accordingly, the rejection of Claim 1 for anticipation by Kelkar should be withdrawn.

[06]   Claim 1: Snapshot Source Data in Volatile Memory

[07]   Claim 1 requires "a snapshot of *said* data", "said data" referring to data stored in volatile memory. Claim 1 thus requires that the data that is the subject of the snapshot be stored in volatile memory. The foregoing "snapshot" quote, teaches that the subject of Kelkar's snapshot is a "storage area". The Final Action does not establish that this storage area is or is stored in item 17 of Kelkar Fig. 7. Thus, the Final Action does not establish that Kelkar meets the Claim 1 limitation that the data that is the subject of a snapshot be stored in volatile memory. Accordingly, for this additional reason, the rejection of Claim 1 for anticipation should be withdrawn.

[08]   Claim 1: Snapshot Transferred To Storage Media

[09]   Claim 1 requires that the snapshot be transferred from volatile memory to "said storage media". The Final Action identifies item 140 of Kelkar Fig. 1 as the claimed "storage media". The foregoing "snapshot" quote does not establish that Kelkar's snapshot is transferred to item 140. Thus, the Final Action does not establish that Kelkar meets the Claim 1 limitation of a snapshot being transferred to storage media. Accordingly, for this additional reason, the rejection of Claim 1 should be withdrawn.

[10]   Claim 1: Data Diverges During Transfer

[11]   Claim 1 requires that an application continues to modify the data that is the subject of the snapshot so that the data diverges from the

snapshot as the snapshot is transferred from volatile memory to storage media. The Final Action fails to establish that an application modifies Kelkar's storage area during a transfer of Keklar's snapshot. Thus, the Final Action does not establish that Kelkar teaches the Claim 1 limitation of data diverging from a snapshot as the snapshot is transferred. For this additional reason, the rejection of Claim 1 for anticipation should be withdrawn.

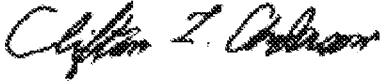[12]   Claim 7: Transferring Snapshot During Differing State

[13]   Claim 7 requires transferring a snapshot to storage media while the state of the memory represented in the snapshot reaches a state that differs from the state represented in the snapshot. The Final Action does not establish that the storage area represented in Kelka's snapshot reaches a state that differs from its state as represented in Kelkar's snapshot while the snapshot is being transferred. Accordingly, the rejection of Claim 7 for anticipation by Kelkar should be withdrawn.

[14]   CONCLUSION

[15]   The foregoing remarks present a list of limitations that the Final Action fails to establish are met by Kelkar. This list is not complete, even with respect to the independent claims, let alone the dependent claims. Nonetheless, the list suffices to demonstrate that the Final Action has not made a *prima facie* case of anticipation for the invention as defined in any of the pending claims.

[16]   Applicant has pointed out a few very specific deficiencies in the rejections and are interested to see if the Examiner can address these deficiencies. Based on a detailed review of Kelkar, Applicant believes the deficiencies in the rejections for anticipation cannot be remedied. If the Examiner concurs, the rejections should be withdrawn and the application allowed.

Respectfully submitted

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